

REMARKS

Reconsideration of the present application is respectfully requested on the basis of the following particulars.

1. **Proper Rejection of Claims**

The pending claims of the present application were subjected to a restriction requirement on March 18, 2004. Claims 1-6 were elected by Applicant while claims 7-11 were not elected and thus withdrawn from consideration. It will be pointed out that in the outstanding Office Action, claims 1-5 were mistakenly identified and treated as being the elected claims. On July 19, 2004, Applicant's representative confirmed with the Examiner that indeed claims 1-6 should be pending. In the discussion that follows, Applicant has included claim 6 in the rejections of claims 1-5 in the discussion of the cited prior art references.

2. **In the Drawings**

As requested in the Office Action, and as shown in the Replacement Sheet showing FIGS. 1-4, FIGS. 1-3 have been identified as pertaining to embodiments known in the prior art. Applicant submits the Replacement Sheet as a drawing correction. Acceptance of amended FIGS. 1-3 is requested in the next Office communication.

3. **Amendment of the Claims**

a. **Claim Objections**

Claim 1 was objected to for the use of the term "mainly." This term has been removed from claim 1. It is intended that claim 1 recite that the cutting knife and the counter knife carry out a rotational movement along one and the same axis of rotation.

Claim 5 has been amended by the removal of the repetitive use of the term "crosswise."

In view of these amendments, removal of the objection to claims 1 and 5 is respectfully requested.

b. Rejection of Claims 2, 4 and 5 under 35 U.S.C. § 112, Second Paragraph

Claims 2, 4 and 5 presently stand rejected as being indefinite for the reasons discussed in the Office Action. Regarding claim 2, the paragraph reciting the terms "successive intersections" has been removed from the claim. The remainder of claim 2 has been amended accordingly. Claims 4-5 have each been amended by qualifying "a brush pack" as "comprising the brush fibers."

It is put forward that these amendments do not narrow the scope of the subject matter of claims 2 and 4-6.

In view of these amendments, withdrawal of the rejection of claims 2, 4 and 5 is respectfully requested.

c. Additional Amendments to the Claims

The additional amendments to the claims have been submitted to improve the clarity of the subject matter for which protection is sought. The amendments were not made to avoid prior art, as it is believed that the original claims are fully patentable over the cited prior art. Rather, in reviewing the claim language it was perceived that some of the language could be improved to more clearly define the inventive subject matter. It is to be noted that with the exception of the aforementioned objections and rejection under 35 U.S.C. § 112, the Examiner did not raise any other objections with regard to the language of the original claims under or any other part of the patent laws and regulations.

Acceptance of these amendments to the claims is respectfully requested in the next Office communication from the Examiner.

4. Rejection of Claims 1-2 and 4-5 under 35 U.S.C. § 102(b) as Being Anticipated by U.S. Patent 5,127,290 (Warner et al.)

Claims 1-2, 4 and 5 presently stand rejected as being anticipated by the Warner et al. disclosure. Applicant respectfully traverses this rejection on the basis that the Warner et al. disclosure fails to disclose or suggest the critical feature of a cutting knife and a counter knife that carry out a rotational movement along one and the same axis of rotation. Claim 1, which recites this critical feature, is thus patentable. Claims 2, 4 and 5, which depend directly from claim 1, are patentable based on their dependency from claim 1 and their individually recited features.

As is well understood, a prior art reference anticipates a claim only if the reference discloses, either expressly or inherently, every limitation of the claim. Absence from the reference of any claimed element negates anticipation.

In the Office Action, rotary knives (120, 123) were identified as "mainly having the same axis of rotation." It appears that the term "mainly" has been broadly construed as it is evident from FIG. 6 that the cutting blade 120 and backing roller 124 are rotatable about different axes. Moreover, there is no disclosure or suggestion in the Warner et al. disclosure of a counter knife in cooperation with the cutting blade 120 as recited in claim 1 of the present application.

In view of the observations on the Warner et al. disclosure, it is clear that the Warner et al. disclosure does not disclose or suggest each and every feature of claim 1 of the present application. Accordingly, claims 1, 2, 4 and 5 are novel over the Warner et al. disclosure. Withdrawal of this rejection is respectfully requested.

5. Rejection of Claims 1-6 under 35 U.S.C. § 102(b) as Being Anticipated by U.S. Patent 5,683,145 (Boucherie)

Claims 1-6 presently stand rejected as being anticipated by the Boucherie disclosure. Applicant respectfully traverses this rejection on the basis that the Boucherie disclosure fails to disclose or suggest the critical feature of a cutting knife and a counter knife carrying out a rotational movement along one and the same axis of rotation. Claim 1, which recites this critical feature, is thus patentable. Claims 2-6, which depend directly from claim 1, are patentable based on their dependency from claim 1 and their individually recited features.

In the Office Action, rotating cutters 16 of the Boucherie disclosure were identified as "mainly having the same axis of rotation." While it appears that these cutters 16 are positioned along the same axis, they are not provided with a counter knife that is arranged for rotational movement with the cutters along one and the same axis of rotation. Nowhere in the Boucherie disclosure is there any reference to a counter knife arranged for mutual rotation along the same axis with a cutting knife.

In view of the observations on the Boucherie disclosure, it is clear that the Boucherie disclosure does not disclose or suggest each and every feature of claim 1 of the present application. Accordingly, claims 1-6 are novel over the Boucherie disclosure. Withdrawal of this rejection is respectfully requested.

6. Rejection of Claims 1-6 under 35 U.S.C. § 102(b) as Being Anticipated by U.S. Patent 3,871,048 (Leigh)

Claims 1-5 presently stand rejected as being anticipated by the Leigh disclosure. Applicant respectfully traverses this rejection on the basis that the Leigh disclosure fails to disclose or suggest the critical feature of a cutting knife and a counter knife carrying out a rotational movement along one and the same axis of rotation. Claim 1, which recites this critical feature, is thus patentable. Claims 2-6, which depend directly from claim 1, are patentable based on their dependency from claim 1 and their individually recited features.

In the Office Action, rotary knives (17, 18) were identified as "mainly having the same axis of rotation." It is evident from FIG. 9 that the rollers 17, 18 which carry knives 19 are rotatable about different axes. Moreover, there is no disclosure or suggestion in the Leigh disclosure of a counter knife as recited in claim 1 of the present application in cooperation with the rollers 17, 18.

In view of the observations on the Leigh disclosure, it is clear that the Leigh disclosure does not disclose or suggest each and every feature of claim 1 of the present application. Accordingly, claims 1-6 are novel over the Leigh disclosure. Withdrawal of this rejection is respectfully requested.

7. Rejection of Claims 1-6 under 35 U.S.C. § 102(a) as Being Anticipated by U.S. Patent Application Publication 2002/0092109 (Edwards et al.)

Claims 1-6 presently stand rejected as being anticipated by the Edwards et al. disclosure. Applicant respectfully traverses this rejection on the basis that the Edwards et al. disclosure fails to disclose or suggest the critical feature of a cutting knife and a counter knife carrying out a rotational movement along one and the same axis of rotation. Claim 1, which recites this critical feature, is thus patentable. Claims 2-6, which depend directly from claim 1, are patentable based on their dependency from claim 1 and their individually recited features.

While it appears that the cutter blades 60, 62 are positioned along the same axis, they are not arranged with a counter knife that is arranged for rotational movement with the cutters along one and the same axis of rotation. Nowhere in the Edwards et al. disclosure is there any reference to a counter knife arranged for mutual rotation along the same axis with a cutting knife.

In view of the observations on the Edwards et al. disclosure, it is clear that the Edwards et al. disclosure does not disclose or suggest each and every feature of claim 1 of the present application. Accordingly, claims 1-6 are novel over the Edwards et al. disclosure. Withdrawal of this rejection is respectfully requested.

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Examiner: Shay L. Balsis
Art Unit: 1744

8. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-6 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", written in a cursive style.

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